



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

NOV 29 2004

M.D. Burton  
Vice President of Engineering and Operations  
Kinder Morgan GP  
One Allen Center, Suite 1000  
Houston, Texas 77002

Re: CPF No. 59004

Dear Mr. Burton:

Enclosed is the Final Order issued by the Associate Administrator for Pipeline Safety in the above-referenced case. It withdraws one of the allegations of violation and makes findings of violation. The Final Order also finds that you have completed the actions specified in the Notice required to comply with the pipeline safety regulations, and that you have addressed the inadequacies in your procedures that were cited in the Notice of Amendment. This enforcement action is now considered closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Sincerely,

James Reynolds  
Pipeline Compliance Registry  
Office of Pipeline Safety

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

DEPARTMENT OF TRANSPORTATION  
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, DC 20590

In the Matter of )  
 )  
Kinder Morgan GP, )  
formerly KN Gas Gathering, Inc )  
 )  
Respondent. )  
 )

CPF No. 59004

FINAL ORDER

On December 3, 1998, pursuant to 49 U.S.C. § 60117, a representative of the Office of Pipeline Safety (OPS) conducted an on-site pipeline safety inspection of Respondent's facilities and records in Brighton, Colorado. As a result of the inspection, the Director, Western Region, OPS, issued to Respondent, by letter dated April 15, 1999, a Notice of Probable Violation, Proposed Compliance Order, and Notice of Amendment (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. §§ 192.199, 192.707, 192.619, 192.455, 192.479, 192.491 and 192.739, proposed that Respondent take certain measures to correct the alleged violations, and warned Respondent to take appropriate corrective action. The Notice also proposed, in accordance with 49 C.F.R. § 190.237, that Respondent amend its procedures for Operations, Maintenance and Emergencies.

Respondent responded to the Notice by letter dated May 18, 1999 (Response). Respondent contested one of the allegations and provided information concerning the corrective actions it has taken concerning the other allegations. Respondent did not request a hearing, and therefore has waived its right to one.

FINDINGS OF VIOLATION

In its Response, Respondent did not contest several of the alleged violations in the Notice. Accordingly, I find that Respondent violated the following sections of 49 C.F.R. Part 192, as more fully described in the Notice:

- 49 C.F.R. § 192.455 -- failing to have an external protective coating at two locations of buried or submerged pipeline;
- 49 C.F.R. § 192.479 -- failing to ensure that several areas of pipeline exposed to the atmosphere were cleaned and either coated or jacketed with a material suitable for the prevention of atmospheric corrosion; and

49 C.F.R. § 192.739 – failing to maintain records or maps to show the location of cathodically protected piping, facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent.

#### WITHDRAWAL OF ALLEGATION

Item 6 in the Notice alleged that Respondent had violated 49 C.F.R. § 192.491 by failing to maintain records or maps to show the location of cathodically protected piping, facilities, galvanic anodes, and neighboring structures bonded to the cathodic protection system. In its response, Respondent indicated that it does have corrosion control records that would comply with § 192.491 and could provide maps or documents. (Response, p.3) The OPS Western Region confirmed that Respondent did in fact have corrosion control records and maps. Based on this information demonstrating compliance with the regulation, I am withdrawing this allegation of violation.

#### COMPLIANCE ORDER

The Notice proposed a compliance order with respect to items 4, 5, and 7 in the Notice for violations of §§ 192.455, 192.479, and 192.739.<sup>1</sup> Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. The Regional Director has indicated that Respondent has taken the following actions specified in the proposed compliance order:

1. Repaired the coating on the 12", 16" and 20" lines at the Ft Lupton compressor station so that the below grade coating extends approximately one-foot above grade and submitted pictures.
2. Completed its review of the Atmospheric Corrosion Control plan for all DOT jurisdictional above ground appurtenances. Repaired the above ground launcher and drain line coatings.
3. Completed and submitted testing and inspection of final discharge relief devices for the Dugan, Brighton, and Ft. Lupton Compressor Stations.

Accordingly, since compliance has been achieved with respect to these violations, the compliance terms are not included in this Order.

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<sup>1</sup>The proposed violation for item 6 and associated compliance order have been withdrawn.

### AMENDMENT OF PROCEDURES

The Notice alleged inadequacies in Respondent's Operations, Maintenance and Emergencies Manual and proposed to require amendment of Respondent's procedures to comply with the requirements of 49 C.F.R. § 192.619.

In its response Respondent stated that it wrote an MAOP procedure to address the requirements of §192.619, which the Director, Western Region, OPS reviewed. Accordingly, based on the results of this review, I find that Respondent's original procedures as described in the Notice were inadequate to ensure safe operation of its pipeline system, but that Respondent has corrected the identified inadequacies. No need exists to issue an order directing amendment.

### WARNING ITEMS

The Notice did not propose a civil penalty or corrective action for the following Items 1 and 2 for Respondent failing to have a cap on one blow down relief stack to prevent water, ice or snow from accumulating, and failing to install pipeline markers at above ground 20" mainline valves, but warned Respondent that it should take appropriate corrective action to correct the items. Respondent presented information in its response showing that it has addressed the cited items. Respondent is again warned that if OPS finds a violation for any of these items in a subsequent inspection, enforcement action will be taken.

Under 49 C.F.R. § 190.215, Respondent has a right to submit a Petition for Reconsideration of this Final Order. The petition must be received within 20 days of Respondent's receipt of this Final Order and must contain a brief statement of the issue(s). The terms of the order, including any required corrective action and amendment of procedures, remain in full effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective on receipt.



Stacey Gerard  
Associate Administrator  
for Pipeline Safety

NOV 29 2004

Date Issued